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**OFFICE OF THE SECRETARY OF STATE**

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**Linda McCulloch  
Secretary of State**

To: Potential 2012 Presidential Candidate

From: Linda McCulloch, Secretary of State

Thank you for your inquiry about qualifying as a presidential candidate for the 2012 election cycle.

Please see below and attached information about filing for the office of President of the United States.

If you have any questions, please do not hesitate to contact the Secretary of State, Elections and Government Services at (406) 444-5346 or [soselections@mt.gov](mailto:soselections@mt.gov) or visit our website at [sos.mt.gov](http://sos.mt.gov).

You may also wish to contact the Federal Election Commission at (800) 424-9530 for campaign finance information.

Links: [Presidential Major Party Candidate Declaration, Oath and Petition](#)  
[Presidential Independent or Minor Party Candidate Declaration, Oath and Petition](#)  
[Presidential Write-In Declaration and Oath](#)  
[Affidavit of Signature Gatherer](#)  
[2012 Candidate Calendar](#)  
[Title 13 Election Laws](#)



**Information for Presidential Candidates**  
*Montana Secretary of State Linda McCulloch*  
*Elections and Government Services*  
[soselections@mt.gov](mailto:soselections@mt.gov) • [www.sos.mt.gov](http://www.sos.mt.gov)

◆ **General Information for Presidential Candidates**

- Candidate filing forms are at <http://sos.mt.gov/Elections/Filing>.
- For a list of qualified major parties in Montana, please see <http://sos.mt.gov/Elections/Parties>.
- For Montana election laws, see [http://data.opi.mt.gov/bills/mca\\_toc/13.htm](http://data.opi.mt.gov/bills/mca_toc/13.htm).
- There is no filing fee in Montana to run for President of the United States.
- See [Senate Bill 194](#) for recently enacted presidential elector requirements for major party, independent, and minor party presidential candidates.
- See the pages following for specific information about filing for president as a major party, independent, minor party or write-in candidate.

## ◆ Major Party Presidential Candidates

- Major party presidential candidates have two options to file:
  1. File a declaration for nomination form if you are eligible to receive payments pursuant to the federal [Presidential Primary Matching Payment Account Act](#).
    - The first day for filing the presidential primary declaration of nomination form with the Secretary of State is January 12, 2012. The last day to file is March 12, 2012.
    - At the close of candidate filing on March 12, 2012, the Secretary of State will determine which candidates seeking ballot access, pursuant to being eligible for federal [Presidential Primary Matching Payment Account Act](#) payments, have qualified for the Montana ballot.
    - If you choose to seek ballot access by this method and are not certain whether you will maintain eligibility by the close of filing, you may wish to also or alternatively file by petition (*see below*).
  2. Complete the declaration for nomination form and petition for nomination, and collect and submit 500 petition signatures in the state.
    - If you choose the option of filing by petition, there is no earliest date for signatures on presidential petitions to be turned in to the county election administrator(s).

However, as noted above, the first day for filing the presidential primary declaration of nomination form with the Secretary of State is January 12, 2012. The last day to file is March 12, 2012.
    - Signed petition sheets must be turned in to the county election administrator(s) by March 5, 2012, at least one week prior to the March 12, 2012 deadline for candidates to file for the primary election.
    - Consistent with [13-10-503](#), MCA, if there are insufficient signatures on the petition submitted by the March 5, 2012 deadline, additional signatures may be submitted to the county election office before 5:00 p.m. on March 12, 2012.
- Presidential major party, independent, and minor party candidates must file the presidential elector form with the Secretary of State. For major party candidates, the form is filed by campaign officials after the national party convention.

## ◆ Independent and Minor Party Presidential Candidates

- Independent and minor party presidential candidates must:
  1. Submit petition signatures to county election administrators by August 15, 2012.
    - Montana law requires presidential independent and minor party candidates to file 5,000 signatures in order to file for office. See [13-10-504](#), MCA.
    - Consistent with [13-10-503](#), MCA, if there are insufficient signatures on the petition submitted by the August 15, 2012 deadline, additional signatures may be submitted to the county election office before 5:00 p.m. on August 22, 2012; and
  2. File their filing form by August 22, 2012. See [13-10-504](#), MCA.
    - While there is no earliest date to submit candidate petition signatures to county election administrators, the candidate filing form cannot be filed with the Secretary of State before January 12, 2012.
- Under [13-10-507](#), MCA, a person seeking office as an **independent** candidate may not be associated with a political party for 1 year prior to the submission of the candidate's nomination petition.
  1. For the purposes of the law, "associated with a political party" means having run for office as a partisan candidate or having held an office with a political party designation.
- Under [13-10-602](#), MCA, a political party and its regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party name. A candidate for office may not use any word of the name of any other political party or organization other than that by which the candidate is nominated. An independent candidate may not use any word of the name of any existing political party or organization in his or her candidacy.
- Since there is no filing fee in Montana for president, individuals do not file as indigent presidential candidates.
- Presidential major party, independent, and minor party candidates must file the presidential elector form with the Secretary of State. However, for an independent or minor party presidential candidate, filing with a vice presidential candidate is optional.

## ◆ Write-In Presidential Candidates

- Write-in presidential candidates must:
  1. File a declaration of intent with the Secretary of State:
    - For the **Primary** Election, no later than 5 p.m. on **April 27, 2012**.
      - The option to have a write-in vote counted on the primary ballot is only available for candidates of parties qualified for the primary in Montana (see list at [http://sos.mt.gov/ELB/Political Parties](http://sos.mt.gov/ELB/Political_Parties)) that have sufficient competitive races to require that a primary ballot be printed for the party.
    - For the **General** Election, no later than 5 p.m. on **September 28, 2012**.
- There is nothing in Montana law that requires write-in candidates to file presidential electors. Similarly, for a write-in presidential candidate, filing with a vice presidential candidate is optional.
- Except as provided in [13-10-201\(7\)](#), MCA, in order for votes to be counted for a write-in candidate, a write-in candidate must file a declaration of intent with the Secretary of State and any required filing fee, pursuant to [13-10-202](#), MCA. A write-in vote may be counted only if the write-in vote identifies an individual by any of the designations filed by the candidate pursuant to law.